IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

FRIDAY, THE 23RD NOVEMBER 2007 / 2ND AGRAHAYANA 1929

CRL.A.No. 699 of 2002()

SC.45/2001 of ADDL.SESSIONS JUDGE (SPL.COURT), KOTTAYAM
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APPELLANT: ACCUSED NOS. 1 & 3
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1. VARKEY CHERIAN @ RAJAN,
S/O. VARKEY KOSHAMATTOM USE, HOLY FAMILY CHURCH AREA, NATTASSERY KARA, VIJAYAPURAM VILLAGE.

2. SASIDHARAN @ SASI, S/O.RAMAKRISHNAN NAIR
EDATTU HOUSE, HOLY FAMILY CHURCH AREA,
NATTASSERY KARA, VIJAYAPURAM VILLAGE.

BY ADV. SRI.S.RAJEEV

RESPONDENTS: COMPLAINANT
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1. STATE OF KERALA, REPRESENTED BY THE
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

(*)ADDL.R2. VISWANATHAN,
AGED 54 YEARS, S/O.VALIYA KOCHU,
VENGACHERRY, NATTASSERY,
PARAPPUZHA P.O., KOTTAYAM.

(*)ADDL.R3. MALINI VISWANATHAN,
AGED 47 YEARS, W/O.VISWANATHAN,
VENGACHERRY, NATTASSERY,
PARAPPUZHA P.O., KOTTAYAM.

(*) ADDL RESPONDENTS 2 AND 3 IMPLEADED AS PER ORDER IN CRL.M.APPL.NO.4208/2007 DATED 23/11/2007

BY SRI.JOHN VARGHESE (VEYKKAN)
PUBLIC PROSECUTOR, SRI C.K.SURESH

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD ON 23/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CRL.M.P.NO.5895/2002 IN CRL.A.NO.699/2002

DISMISSED.

SD/- K.R.UDAYABHANU, JUDGE

23/11/2007

\\TRUE COPY//

K.R.UDAYABHANU, J.

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Crl. A.No.699 of 2002

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Dated this the 23rd day of November, 2007

J U D G M E N T

The appellants are accused Nos. 1 and 3 who stands convicted for the offences under Sections 447, 448, 427, 506(ii) read with Section 34 of the Indian Penal Code and Section 3(1)(xv) of the Schedule Castes and Schedule Tribes (Prevention of Atrocities) Act, 1989, and sentenced to varying terms of imprisonment for the I.P.C offences and to undergo rigorous imprisonment for six months each and to pay a fine of Rs.5,000/- each for the offence under Section 3(1)(xv) of the S.C/S.T (Prevention of Atrocities) Act, 1989 and in default to undergo simple imprisonment for three months each.

2. The appellants have filed a joint petition mentioning that the matter has been settled and seeking that the offences may be compounded.

3. In the circumstances, the I.P.C offences, i.e., the offences under Sections 447, 448, 427, 506(ii) read with Section 34 I.P.C shall stand compounded and the accused acquitted for the above offences. The offence under the S.C/S.T (Prevention of Atrocities) Act is not

compoundable. Hence, the sentence imposed for the offence under Section 3(1)(xv) of the S.C/S.T (Prevention of Atrocities) Act, 1989, is modified to imprisonment till the rising of the court and to pay a fine of rupees five thousand each and in default to undergo simple imprisonment for three months each. The accused shall appear before the Sessions Court, Kottayam, on 31/12/2007 to receive the sentence. The criminal appeal is disposed of as above.

K.R.UDAYABHANU,
Judge

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